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April 24, 2015

The Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square - Room 2204
New York, NY 10007

Re: Bouveng v. NYG Capital, LLC., et ano., 14 Civ. 5474 (PGG)

Dear Judge Gardephe:

We write on behalf of both parties respectfully to request that the Court modify the schedule for pretrial submissions set forth in the order dated April 15, 2015 (Dkt. 144). Specifically, the parties met and conferred yesterday in an effort to create a schedule we believed would maximize the chances of coming to agreement on various factual, legal and evidentiary issues and thereby minimize, as best as possible, the number of issues that need be resolved by the Court or the jury. To that end, the parties respectfully request that the following schedule be so ordered:

1. The pretrial order must be submitted by May 15, 2015;
2. The requests to charge, proposed *voir dire*, and *in limine* motions must be submitted by May 22, 2015;
3. Responses to the motions *in limine* if any, must be submitted by May 29, 2015; and
4. A final pretrial conference be held on May 29, 2015 (of course provided that date fits within the Court's schedule).

The parties respectfully submit that not only will this proposed schedule maximize the chance for reaching agreement on at least some issues, it will also be more efficient as the motion to dismiss has yet to be decided and thus the answer has not been filed (an answer that will likely admit some facts that will then need not be litigated and interpose defenses that would need to be litigated). Under the current schedule, the joint pretrial order listing all witnesses and exhibits would likely be due before the answer is interposed and the precise contours of what is to be litigated not finalized.



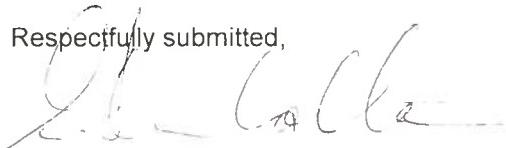
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Finally, while the parties recognize that the odds of settlement pretrial are not particularly high, we would like to try one more time. To that end, we respectfully request that the Court refer the parties to a Magistrate Judge that has not been involved in the litigation of this matter to help us make that attempt.

Respectfully submitted,


Glenn C. Colton

cc: David Ratner, Esq (counsel for plaintiff)

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